

**REMARKS**

The Office Action mailed June 4, 2002, has been received and reviewed. Claims 1 through 4, 6 through 13 and 16 through 20 are currently pending in the application. Claims 5, 14 and 15 which were previously withdrawn from consideration are cancelled herein. All remaining claims stand rejected. Claims 1 and 16 have been amended as previously set forth and claim 21 has been added. All amendments are made without prejudice or disclaimer. In accordance with 37 C.F.R. §1.121(c)(1)(i), a version of the amended claims with markings to clearly show changes made is attached hereto as Appendix A. Reconsideration is respectfully requested in view of the amendments and remarks herein.

**35 U.S.C. § 102 Rejections**

**A. Applicable Authority**

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Brothers v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

**B. Anticipation rejections based on U.S. Patent 2,990,190.**

Claims 1, 2 and 9 through 11 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 2,990,190 to Eriksen (hereinafter the “‘190 patent”). As the ‘190 patent fails to describe, either expressly or inherently, a children’s vehicle seat which may be used as both a seat and as a stroller, wherein when the children’s vehicle seat is used as a seat, a first portion of at least one wheel extends below the bottom portion of a seat portion and a second portion of the at least one wheel extends into a recess in the bottom portion of the seat portion, applicant respectfully traverses the rejection.

As amended herein, independent claim 1 recites a children's vehicle seat which may be used as both a seat and as a stroller. The children's vehicle seat of claim 1 comprises a seat portion for supporting a child in a sitting position, the seat portion including a bottom portion having a recess therein, a back portion connected to the seat portion to support a child's back in the sitting position, at least one wheel attached to the seat portion at a fulcrum point of the children's vehicle seat and a handle connected to the back portion for tipping the children's vehicle seat onto the at least one wheel to a reclined position for pushing or pulling the children's vehicle seat. When the children's vehicle portion is used as a seat, a first portion of the at least one wheel extends below the bottom portion of the seat portion and a second portion of the at least one wheel extends into a recess in the bottom portion of the seat portion.

By way of contrast, the '190 patent describes a chair support unit for infants that may be used to provide support in an automobile or that may be mounted to a companion wheel carrier for movement (col. 1, lines 49-53). The companion wheel carrier, which includes a pair of wheels attached thereto, and the chair support unit are separate components which may be attached to one another when used for wheeled movement. However, when used to provide support in an automobile, the chair support unit and the companion wheel carrier are separated from one another. Thus, when the chair support unit is used as a seat, the wheels are not attached to the seat portion of the chair support unit. Accordingly, when the chair support unit is used as a seat, the wheels are not configured so that a first portion extends below the bottom portion of the seat portion and a second portion extends into a recess in the bottom portion of the seat portion, as recited in amended independent claim 1.

As the '190 patent fails to describe, either expressly or inherently, each and every element of amended independent claim 1, applicant respectfully submits that such claim is not and cannot be anticipated by the '190 patent. Each of claims 2 and 9 through 11 depend, either directly or indirectly, from independent claim 1 and thus the '190 patent does not anticipate these claims for at least the above-cited reasons. As such, applicant respectfully requests withdrawal of the § 102(b) rejection of claims 1, 2 and 9 through 11 based upon the '190 patent.

**C. Anticipation rejections based on U.S. Patent 3,227,467.**

Claims 1 and 2 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 3,227,467 to Fugitt, Sr. (hereinafter the “‘467 patent”). As the ‘467 patent fails to describe, either expressly or inherently, a children’s vehicle seat which may be used as both a seat and as a stroller, wherein when the children’s vehicle seat is used as a seat, a first portion of at least one wheel extends below the bottom portion of a seat portion and a second portion of the at least one wheel extends into a recess in the bottom portion of the seat portion, applicant respectfully traverses the rejection.

Amended independent claim 1 was discussed hereinabove. The ‘467 patent describes a reversible chair and wheeled cart. The unit includes two planar members 7, 8 which comprise the back and bottom, respectively, of the device when the device is used as a chair. The two planar members are supported by a pair of tubular frame members 3 which are bent right angularly. A pair of wheels 1 is connected to opposite ends of an axle, which axle is connected to the tubular frame members at the point at which the frame members bend to support the planar members 7, 8. (Col. 2, lines 8-30.) The wheels of the device of the ‘467 patent are located outside of the side walls of the planar members 7, 8 (see Figs.) and are not configured so that a first portion of the wheels extends below the bottom portion of the seat portion and a second portion extends into a recess in the bottom portion of the seat portion, as recited in amended independent claim 1. In fact, the planar member 8 which comprises the seat portion of the unit does not include a recess therein at all.

As the ‘467 patent fails to describe, either expressly or inherently, each and every element of amended independent claim 1, applicant respectfully submits that such claim is not and cannot be anticipated by the ‘467 patent. Claim 2 depends directly from independent claim 1 and thus the ‘467 patent does not anticipate this claim for at least the above-cited reasons. As such, applicant respectfully requests withdrawal of the § 102(b) rejection of claims 1 and 2 based upon the ‘467 patent.

**D. Anticipation rejections based on U.S. Patent 4,679,804.**

Claims 16 through 18 and 20 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 4,679,804 to Johnson (hereinafter the “‘804 patent”). As the ‘804 patent fails to describe, either expressly or inherently, a mobile children’s seat which may be used as both a seat and as a stroller, the children’s seat comprising, in part, a wheel assembly configured to contact a support surface both when the mobile children’s seat is used as a seat and when the mobile children’s seat is used as a stroller, applicant respectfully traverses the rejection.

As amended herein, independent claim 16 recites a mobile children’s seat which may be used as both a seat and as a stroller. The mobile children’s seat of claim 16 comprises a children’s seat having a seat portion for supporting a child in a seated position and a back portion for supporting the child’s back in the seated position. The mobile children’s seat further comprises a wheel assembly moveably attached to the children’s seat along a fulcrum point of the mobile children’s seat for rolling the mobile children’s seat along a surface when said children’s seat is in a tipped position and a handle assembly integrated with the back portion of the children’s seat for tipping the children’s seat onto the wheel assembly along the fulcrum point and pushing or pulling the mobile children’s seat. A portion of the wheel assembly is configured to contact a support surface both when the mobile children’s seat is used as a seat and when the mobile children’s seat is used as a stroller.

By way of contrast, the ‘804 patent describes a convertible auto restraint seat with a front and a rear set of folding legs having wheels attached thereto. When used as a stroller, both sets of legs (and the corresponding wheels) are positioned entirely outside of the seat (see FIG. 3). Conversely, when used as a car seat, the legs are folded into the hollow in the armrests of the seat and do not protrude therefrom at all (col. 1, lines 45-47; col. 2, lines 24-27). Thus, the ‘804 patent does not describe, either expressly or inherently, a mobile children’s seat which comprises, in part, a wheel assembly configured to contact a support surface both when the mobile children’s seat is used as a seat and when the mobile children’s seat is used as a stroller. Rather,

when the auto restrainer seat of the '804 patent is used as a seat, the wheels are configured to be completely hidden within the car seat and not to contact a support surface.

As the '804 patent fails to describe, either expressly or inherently, each and every element of amended independent claim 16, applicant respectfully submits that such claim is not and cannot be anticipated by the '804 patent. Claims 17, 18 and 20 depend, either directly or indirectly, from independent claim 16 and thus the '804 patent does not anticipate these claims for at least the above-cited reasons.

Further, with regard to claim 18, there is no indication in the '804 patent that the wheels of the auto restrainer seat are connected to one another through use of an axle.

As such, applicant respectfully requests withdrawal of the § 102(b) rejection of claims 16 through 18 and 20 based upon the '804 patent.

**E. Anticipation rejections based on U.S. Patent 6,367,821.**

Claims 1, 2, 6 and 7 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 6,367,821 to Thiele (hereinafter the "'821 patent'"). As the '821 patent fails to describe, either expressly or inherently, a children's vehicle seat which may be used as both a seat and as a stroller, wherein when the children's vehicle seat is used as a seat, a first portion of at least one wheel extends below the bottom portion of a seat portion and a second portion of the at least one wheel extends into a recess in the bottom portion of the seat portion, applicant respectfully traverses the rejection.

Independent claim 1 was discussed hereinabove. The '821 patent, on the other hand, describes a car seat and stroller assembly having a wheel assembly that "can be placed in a retracted position to enable a user to secure the car seat stroller assembly to the fixed car seat of the automobile, or in an extended position in which the wheels extend below the bottom portion of the seat body to enable the car seat stroller assembly to be operated as a child stroller." Col. 2, lines 10-15. When in the retracted position, the wheels of the wheel assembly do not extend below the bottom portion of the seat portion, as recited in independent claim 1 of the present

application, but rather are retracted entirely above the bottom portion of the seat (see FIG. 2B). Further, while the bottom portion of the seat includes a recess therein, at no time, whether the device is being used as a seat or a stroller, is a portion of the wheels extended into the recess.

As the '821 patent fails to describe, either expressly or inherently, each and every element of amended independent claim 1, applicant respectfully submits that such claim is not and cannot be anticipated by the '821 patent. Claims 2, 6 and 7 each depend, either directly or indirectly from independent claim 1 and thus the '821 patent does not anticipate these claims for at least the above-cited reasons. As such, applicant respectfully requests withdrawal of the § 102(b) rejection of claims 1, 2, 6 and 7 based upon the '821 patent.

### **35 U.S.C. § 103(a) Obviousness Rejections**

#### **A. Applicable Authority**

The basic requirements of a *prima facie* case of obviousness are summarized in MPEP §2143 through §2143.03, *i.e.*, in order “to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success in combining the references. Third, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on Applicant’s disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). Further, in establishing a *prima facie* case of obviousness, the initial burden is placed on the examiner. “To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references.” *Ex parte Clapp*, 22y USPQ 972, 973 (Bd. Pat. App. & Inter. 1985). See also MPEP § 706.02(j) and § 2142.

The Supreme Court has established the standard of patentability to be applied in obviousness rejections in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). This standard has been summarized in MPEP § 2141 into four factual inquiries including “(A) determining of the scope and contents of the prior art; (B) ascertaining the differences between the prior art and the claims in issue; (C) resolving the level of ordinary skill in the pertinent art; and (D) evaluating evidence of secondary considerations.” It should be noted that, when applying the required patentability standards of *Graham*, the basic considerations which apply to obviousness rejections based on 35 U.S.C. § 103 should include the following principles of patent law: “(A) the claimed invention must be considered as a whole; (B) the references must be considered as a whole and must suggest the desirability and thus the obviousness of making the combination; (C) the references must be viewed without the benefit of impermissible hindsight vision afforded by the claimed invention; and (D) reasonable expectation of success is the standard with which obviousness is determined.” *Hodosh v. Block Drug Co., Inc.*, 786 F.2d 1136, 1143 n.5, 229 USPQ 182, 187 n.5 (Fed. Cir. 1986).

**B. Obviousness rejections over the ‘821 patent in view of U.S. Patent 6,170,615.**

Claims 3 and 4 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the ‘821 patent in view of U.S. Patent 6,170,615 to Cheng (hereinafter the “‘615 patent”). Applicant respectfully submits that the ‘821 patent, the ‘615 patent and the combination thereof fail to teach or suggest each and every structural limitation of independent claim 1, from which each of claims 3 and 4 indirectly depend. Further, applicant submits that a person of ordinary skill in the art would not have been motivated to further modify the proposed combination of references. Accordingly, a *prima facie* case of obviousness cannot be made based upon the proposed combination of references and, as such, applicant respectfully traverses the rejection.

(1) *The prior art relied upon does not teach or suggest, alone or in combination, each and every structural limitation in independent claim 1.*

Independent claim 1 and the '821 patent were discussed hereinabove. As previously stated, when in the retracted position, the wheels of the wheel assembly of the '821 patent do not extend below the bottom portion of the seat portion, as recited in independent claim 1 of the present application, but rather are retracted entirely above the bottom portion of the seat (see FIG. 2B). Further, while the bottom portion of the seat includes a recess therein, at no time, whether the device is being used as a seat or a stroller, is a portion of the wheels extended into the recess. Thus, the '821 patent fails to teach or suggest a children's vehicle seat which may be used as both a seat and as a stroller, wherein when the children's vehicle seat is used as a seat, a first portion of at least one wheel extends below the bottom portion of a seat portion and a second portion of the at least one wheel extends into a recess in the bottom portion of the seat portion as recited in independent claim 1.

Applicant respectfully submits that the '615 patent also fails to teach or suggest such a children's vehicle seat. Rather, the '615 patent teaches a braking device of a three wheel baby car and is relied upon only for its teaching of a locking mechanism for securing an axle against rotation (Office Action, ¶ 8). In any event, the wheels of the baby car of the '615 patent are extended beneath the bottom portion of the seat portion at all times during use. Thus, the '615 patent also does not teach or suggest a children's vehicle seat which may be used as both a seat and as a stroller, wherein when the children's vehicle seat is used as a seat, a first portion of at least one wheel extends below the bottom portion of a seat portion and a second portion of the at least one wheel extends into a recess in the bottom portion of the seat portion as recited in independent claim 1.

Accordingly, applicant respectfully submits that the '821 patent nor the '615 patent, whether taken alone or in combination, do not teach or suggest each and every structural limitation in independent claim 1. As claims 3 and 4 each depend indirectly from amended



independent claim 1, applicants respectfully submit that none of the '821 patent, the '615 patent, or the combination thereof, teach or suggest each and every structural limitation of claims 3 and 4. *See, In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1998) (a dependent claim is obvious only if the independent claim from which it depends is obvious); *see also*, MPEP § 2143.03.

(2) *A person of ordinary skill in the art would not have been motivated to further modify the proposed combination of references.*

A person of ordinary skill in the art would not have been motivated to modify the '821 patent, the '615 patent, or the combination thereof, with the above-noted deficiency since nothing in either the '821 patent nor the '615 patent teaches or suggests such a deficiency.

The MPEP § 2143.01 provides the following:

The mere fact that a reference can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 U.S.P.Q.2d 130 (Fed. Cir. 1990) (emphasis added).

As previously set forth, the relied upon prior art is deficient in that it does not teach or suggest a children's vehicle seat which may be used as both a seat and as a stroller, wherein when the children's vehicle seat is used as a seat, a first portion of at least one wheel extends below the bottom portion of a seat portion and a second portion of the at least one wheel extends into a recess in the bottom portion of the seat portion as recited in independent claim 1. Rather the '821 patent teaches a car seat and stroller assembly wherein when in the retracted position, the wheels of the wheel assembly do not extend below the bottom portion of the seat portion, but rather are retracted entirely above the bottom portion of the seat. Further, while the bottom portion of the seat includes a recess therein, at no time, whether the device is being used as a seat or a stroller, is a portion of the wheels extended into the recess. The '615 patent teaches a braking device of a three wheel baby car and is relied upon only for its teaching of a locking

mechanism for securing an axle against rotation. The wheels of the baby car of the '615 patent are extended entirely beneath the bottom portion of the seat portion at all times during use.

As neither the '821 patent nor the '615 patent teaches or suggests the desirability of modifying the cited references to achieve a structure as claimed herein, a person of ordinary skill in the art would not have been motivated to make such a modification. Accordingly, the relied upon prior art cannot and does not establish a *prima facie* case of obviousness under 35 U.S.C. §103 with respect to independent claim 1 and respective dependent claims 3 and 4. *See, In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1998) (a dependent claim is obvious only if the independent claim from which it depends is obvious); *see also*, MPEP § 2143.03. Accordingly, applicants respectfully request withdrawal of the 35 U.S.C. § 103(a) rejection of claims 3 and 4.

**C. Obviousness Rejections over the '821 patent in view of U.S. Patent 3,829,113.**

Claim 8 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the '821 patent in view of U.S. Patent 3,829,113 to Epelbaum (hereinafter the "'113 patent"). Applicant respectfully submits that the '821 patent, the '113 patent and the combination thereof fail to teach or suggest each and every structural limitation of independent claim 1, from which claim 8 indirectly depends. Further, applicant submits that a person of ordinary skill in the art would not have been motivated to further modify the proposed combination of references. Accordingly, a *prima facie* case of obviousness cannot be made based upon the proposed combination of references and, as such, applicant respectfully traverses the rejection.

*(1) The prior art relied upon does not teach or suggest, alone or in combination, each and every structural limitation of independent claim 1.*

Independent claim 1 and the '821 patent were discussed hereinabove. As previously stated, when in the retracted position, the wheels of the wheel assembly of the '821 patent do not extend below the bottom portion of the seat portion, as recited in independent claim 1 of the

present application, but rather are retracted entirely above the bottom portion of the seat. Further, while the bottom portion of the seat includes a recess therein, at no time, whether the device is being used as a seat or a stroller, is a portion of the wheels extended into the recess. Thus, the '821 patent fails to teach or suggest a children's vehicle seat which may be used as both a seat and as a stroller, wherein when the children's vehicle seat is used as a seat, a first portion of at least one wheel extends below the bottom portion of a seat portion and a second portion of the at least one wheel extends into a recess in the bottom portion of the seat portion as recited in independent claim 1.

Applicant respectfully submits that the '113 patent also fails to teach or suggest such a children's vehicle seat. Rather, the '113 patent teaches a converter apparatus adapted to convert a conventional child car seat into a stroller apparatus. The converter apparatus, which includes a pair of wheels attached thereto, and the conventional child car seat are separate components which may be attached to one another when the device is used as a stroller. However, when used in an automobile, the car seat and the converter apparatus are separated from one another. Thus, when the car seat is used in an automobile, the wheels are not attached to the seat portion of the car seat. Accordingly, when the car seat is used in an automobile, the wheels are not configured so that a first portion extends below the bottom portion of the seat portion and a second portion extends into a recess in the bottom portion of the seat portion as recited in amended independent claim 1. Further, the '113 patent is relied upon only for its teaching of a spring button for locking adjustable handle tubes.

Accordingly, applicant respectfully submits that neither the '821 patent nor the '113 patent, whether taken alone or in combination, teaches or suggests each and every structural limitation in independent claim 1. As claim 8 depends indirectly from amended independent claim 1, applicants respectfully submit that none of the '821 patent, the '113 patent, or the combination thereof, teach or suggest each and every structural limitation of claim 8.

(2) *A person of ordinary skill in the art would not have been motivated to further modify the proposed combination of references.*

A person of ordinary skill in the art would not have been motivated to modify the '821 patent, the '113 patent, or the combination thereof, with the above-noted deficiency since nothing in either the '821 patent nor the '113 patent teaches or suggests such a deficiency.

As previously set forth, the relied upon prior art is deficient in that it does not teach or suggest a children's vehicle seat which may be used as both a seat and as a stroller, wherein when the children's vehicle seat is used as a seat, a first portion of at least one wheel extends below the bottom portion of a seat portion and a second portion of the at least one wheel extends into a recess in the bottom portion of the seat portion as recited in independent claim 1. Rather the '821 patent teaches a car seat and stroller assembly wherein when in the retracted position, the wheels of the wheel assembly do not extend below the bottom portion of the seat portion, but rather are retracted entirely above the bottom portion of the seat. Further, while the bottom portion of the seat includes a recess therein, at no time, whether the device is being used as a seat or a stroller, is a portion of the wheels extended into the recess. The '113 patent teaches a converter apparatus which includes a pair of wheels attached thereto, and a conventional child car seat which are separate components which may be attached to one another when the device is used as a stroller. However, when the car seat is used in an automobile, the wheels are not attached to the seat portion of the car seat and thus do not extend in relation to the bottom portion of the seat portion as recited in independent claim 1.

As neither the '821 patent nor the '113 patent teaches or suggests the desirability of modifying the cited references to achieve a structure as claimed herein, a person of ordinary skill in the art would not have been motivated to make such a modification. Accordingly, the relied upon prior art cannot and does not establish a *prima facie* case of obviousness under 35 U.S.C. §103 with respect to independent claim 1 and respective dependent claim 8. Accordingly, applicants respectfully request withdrawal of the 35 U.S.C. § 103(a) rejection of claim 8.

**D. Obviousness rejections over the '804 patent in view of the '113 patent.**

Claim 19 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the '804 patent in view of the '113 patent. Applicant respectfully submits that the '804 patent, the '113 patent and the combination thereof fail to teach or suggest each and every structural limitation of independent claim 16, from which claim 19 depends. Further, applicant submits that a person of ordinary skill in the art would not have been motivated to further modify the proposed combination of references. Accordingly, a *prima facie* case of obviousness cannot be made based upon the proposed combination of references and, as such, applicant respectfully traverses the rejection.

*(1) The prior art relied upon does not teach or suggest, alone or in combination, each and every structural limitation of independent claim 16.*

The '804 patent, the '113 patent and independent claim 16 were discussed hereinabove. As previously stated, the '804 patent teaches a convertible auto restraint seat with a front and a rear set of folding legs having wheels attached thereto. When used as a stroller, both sets of legs (and the corresponding wheels) are positioned entirely outside of the seat. Conversely, when used as a car seat, the legs are folded into the hollow in the armrest of the seat and do not protrude therefrom at all. Thus, the '804 patent fails to teach or suggest a mobile children's seat which comprises, in part, a wheel assembly configured to contact a support surface both when the mobile children's seat is used as a seat and when the mobile children's seat is used as a stroller, as recited in independent claim 16. Rather, when the auto restraint seat of the '804 patent is used as a seat, the wheels are configured to be completely hidden within the car seat and not to contact a support surface.

Applicant respectfully submits that the '113 patent also fails to teach or suggest such a children's vehicle seat. Rather the '113 patent teaches a converter apparatus which includes a pair of wheels attached thereto, and a conventional child car seat which are separate components

which may be attached to one another when the device is used as a stroller. However, when the car seat is used in an automobile, the wheels are not attached to the seat portion of the car seat and thus are not configured to contact a support surface, as recited in independent claim 16.

Accordingly, applicant respectfully submits that neither the '804 patent nor the '113 patent, whether taken alone or in combination, teaches or suggests each and every structural limitation in independent claim 16. As claim 19 depends indirectly from amended independent claim 16, applicants respectfully submit that none of the '804 patent, the '113 patent, or the combination thereof, teach or suggest each and every structural limitation of claim 19.

(2) *A person of ordinary skill in the art would not have been motivated to further modify the proposed combination of references.*

A person of ordinary skill in the art would not have been motivated to modify the '804 patent, the '113 patent, or the combination thereof, with the above-noted deficiency since nothing in either the '804 patent or the '113 patent teaches or suggests such a deficiency.

As previously set forth, the relied upon prior art is deficient in that it does not teach or suggest a mobile children's seat which comprises, in part, a wheel assembly configured to contact a support surface both when the mobile children's seat is used as a seat and when the mobile children's seat is used as a stroller, as recited in independent claim 16. Rather, when the auto restraint seat of the '804 patent is used as a seat, the wheels are configured to be completely hidden within the car seat and not to contact a support surface. Further, when the car seat of the '113 patent is used in an automobile, the wheels are not attached to the seat portion of the car seat and thus are not configured to contact a support surface.

As neither the '804 patent nor the '113 patent teaches or suggests the desirability of modifying the cited references to achieve a structure as claimed herein, a person of ordinary skill in the art would not have been motivated to make such a modification. Accordingly, the relied upon prior art cannot and does not establish a *prima facie* case of obviousness under 35 U.S.C.

§103 with respect to independent claim 16 and respective dependent claim 19. Accordingly, applicants respectfully request withdrawal of the 35 U.S.C. § 103(a) rejection of claim 19.

**NEW CLAIM**

New claim 21 has been added to the present application. Claim 21 is independent and recites a children's vehicle seat which may be used as both a seat and as a stroller. The children's vehicle seat of claim 21 comprises a seat portion for supporting a child in a sitting position, the seat portion including a bottom portion having first and second side edges thereof. The children's vehicle seat further comprises a back portion connected to the seat portion to support a child's back in the sitting position, at least one wheel attached to the seat portion at a fulcrum point of the children's vehicle seat both when the children's vehicle seat is used as a seat and when the children's vehicle seat is used as a stroller and a handle connected to the back portion for tipping the children's vehicle seat onto the at least one wheel to a reclined position for pushing or pulling the children's vehicle seat. The at least one wheel is positioned inward toward a center of the seat portion from both the first and second side edges of the bottom portion.

Claim 21 does not add any new matter and is supported by the as-filed specification.



Serial No. 09/918,665

### CONCLUSION

Claims 1 through 4, 6 through 13, and 16 through 21 are believed to be in condition for allowance, and an early notice thereof is respectfully solicited. Should the Examiner determine that additional issues remain which might be resolved by a telephone conference, he is respectfully invited to contact applicant's undersigned attorney.

Respectfully submitted,

Tawni L. Wilhelm  
Registration No. 47,456  
Attorney for Applicants  
TRASKBRITT, PC  
P.O. Box 2550  
Salt Lake City, Utah 84110-2550  
Telephone: (801) 532-1922

TLW\

Date: November 4, 2002

Enclosure: Appendix A – Version of Claims With Markings to Show Changes Made